

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

United States of America,	)	
	Plaintiff,	)
vs.	)	Case No. 07-0360-01-CR-W-FJG
Benjamin Garcia-Cerritos,	)	
	Defendant.	)

**ORDER**

Pending before the Court is defendant's motion to suppress (Doc. #42), filed May 28, 2008, and the government's suggestions in opposition (Doc. #44), filed June 10, 2008.

On July 28, 2008, United States Magistrate Judge Sarah W. Hays entered a report and recommendation (Doc. #52) which recommended denying the above-mentioned motion. No objections to Magistrate Hays' report and recommendation were filed.

The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's findings and conclusions. Therefore, the Court finds that defendant's motion to suppress (Doc. #42), filed May 28, 2008, must be denied.

Accordingly, it is

ORDERED that the magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that defendant's motion to suppress (Doc. #42), filed May 28, 2008, is denied.

/s/Fernando J. Gaitan, Jr.  
Judge Fernando J. Gaitan, Jr.  
Chief United States District Judge

Dated: 10/3/08  
Kansas City, Missouri